

**West Virginia State Police
Title 81
Series 13**

Summary of Proposed Rule

This rule describes the organizational structure of the West Virginia State Police.

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Title 81
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Circumstances Requiring Filing of Rule

The 1998 session of the West Virginia Legislature passed H.B. 4016 which amended and reenacted §15-2-3 of the WV Code. This amendment mandated that the organizational structure of the West Virginia State Police be established by an interpretive rule. Proposed organizational structure changes require filing of this amended rule.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Organizational Structure

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia State Police

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Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

The proposed changes to this rule will have no impact on the costs or revenues of state government.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	2005 Increase/Decrease (use "-")	2006 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Equipment	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: Organizational Structure

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

There is no identifiable increase or decrease in costs associated with this rule.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

This rule describes the organizational structure of the State Police. The positions currently exist and are already funded within the operating budget of the State Police.

Date: 06/01/05

Signature of Agency Head or Authorized Representative

W. B. Hammond, Sr.

FILED

**TITLE 81
INTERPRETIVE RULE
WEST VIRGINIA STATE POLICE**

2005 JUN -2 A 9:43

**SERIES 13
ORGANIZATIONAL STRUCTURE**

OFFICE WEST VIRGINIA
SECRETARY OF STATE**§81-13-1. General.**

1.1. Scope. -- These rules govern the internal administrative structure of the West Virginia State Police.

1.2. Authority. -- W. Va. Code §15-2-3 .

1.3. Filing Date.

1.4. Effective Date.-- ~~September 7,2002.~~

§81-13-2 Organizational Structure.

2.1. This section relates to W. Va. Code §§15-2-2,3,& 4.

2.2. The ranks within the membership of the State Police shall be Colonel, Lieutenant Colonel, Major, Captain, First Lieutenant, Second Lieutenant, First Sergeant, Sergeant, Corporal, Trooper First Class, Senior Trooper, Trooper or Cadet Trooper.

2.3. The term Executive Office shall encompass the following positions: (1) Superintendent; (2) Deputy Superintendent; (3) Chief of Staff Services; (4) Chief of Field Operations; (5) Chief of Executive Services; (6) Deputy Chief of Staff Services; (7) ~~Officer-In-Charge Procurement~~; (8) ~~Officer-In-Charge Director, Planning and Research~~; (8) Director, Professional Standards; ~~and~~ (9) Officer in Charge, Special Operations; and (10) Director of Executive Protection.

2.4. The Superintendent shall be the executive and administrative head of the State Police. The Superintendent shall hold the rank of Colonel and is entitled to all rights, benefits and privileges of regularly enlisted members.

2.5. The Superintendent shall appoint a member from within the ranks of the State Police to serve as the Deputy Superintendent. The Deputy Superintendent shall hold the rank of Lieutenant Colonel and be next in authority to the Superintendent. The Deputy Superintendent shall serve as the principal coordinator of State Police field operations and staff services functions. The Deputy Superintendent shall perform all other duties as assigned by the Superintendent.

2.6. The Superintendent may appoint from the membership of the State Police seventeen (17) principal supervisors who shall receive the compensation and hold the temporary ranks of Lieutenant Colonel, Major and Captain.

2.7. The Chief of Staff Services shall be responsible to the Deputy Superintendent for the coordination of all staff services functions and the correlation of activities and duties of staff services with those of field operations. The Chief of Staff Services shall perform all other duties as assigned by the Superintendent or Deputy Superintendent.

2.8. The Chief of Field Operations shall be responsible to the Deputy Superintendent for the planning, conducting and monitoring of all field operations and the correlation of activities and duties of field operations with those of staff services. The Chief of Field Operations shall perform all other duties as assigned by the Superintendent or Deputy Superintendent.

2.9 The Chief of Executive Services shall be responsible to the Deputy Superintendent for the operations and oversight of the sections assigned to Executive Services. ~~Professional Standards Section, Legal Section and Media Relations~~; ~~additionally, the Chief of Executive Services shall~~

~~serve as the Officer-In-Charge, Professional Standards Section.~~

2.10 The Deputy Chief of Staff Services shall be responsible to the Chief of Staff Services for the operations and oversight of Communications ~~the Forensic Laboratory~~, Traffic Records, Criminal Records and other specific administrative functions as assigned, and the correlation of those functions with those of field operations. The Deputy Chief of Staff Services shall serve as the Director of the Criminal Identification Bureau and shall perform all other duties as assigned by the Chief of Staff Services or higher authority.

2.11. The ~~Officer-In-Charge~~ Director, Planning and Research shall be responsible to the ~~Deputy Superintendent~~ Chief of Executive Services for general planning and specific research functions and shall oversee the State Police written directive system.

2.12. The Director, Professional Standards, shall be responsible to the Superintendent for the operation of the Professional Standards Section of the Department.

2.123. The Officer-In-Charge, Special Operations, shall be responsible to the Chief of Field Operations for the efficient operation of the Department's special operations groups and shall perform all other duties as assigned by the Chief of Field Operations or higher authority.

2.134. Staff Services shall consist of the Forensic Laboratory, Communications, Procurement, Traffic Records, Criminal Records and other sections within the general headquarters structure as deemed necessary by the Superintendent to meet statutory and other identified obligations and to assist the field operations force in the performance of their duties.

2.145. Executive Services shall consist of ~~Professional Standards~~ Planning and Research, Legal Section, Media Relations, Recruiting and

other sections within the general headquarters structure as deemed necessary by the Superintendent to meet statutory and other identified obligations and to assist field operations in the performance of their duties.

2.156. Field Operations shall consist of the Training Academy, Executive Protection, Special Operations, the Bureau of Criminal Investigations and the number of troops, districts and detachments specified by the Superintendent.

2.167. Each Troop shall be staffed by a Troop Commander, Executive Officer, Logistics Officer, Inspector, District, Detachment and Assistant Detachment Commanders and other members and civilian employees as is deemed necessary by the Superintendent.

2.167.1. The Superintendent may, at his discretion, direct that a member from Department Headquarters or other Troop officer perform the duties associated with those of a Troop Inspector in the event that operational need does not dictate that an Inspector be assigned to a specific troop.

2.178. The Troop Commanders shall be responsible to the Chief of Field Operations and shall be responsible for planning, conducting and monitoring of all field operations within their respective areas of command. Each Troop Commander shall be responsible for the correlation of the activities and duties of members and civilian employees assigned to the Troop with those of staff services. The Troop Commander shall perform duties as assigned by the Chief of Field Operations or higher authority.

2.189. The Troop Executive Officer shall be responsible to the Troop Commander. In the absence of the Troop Commander, the Executive Officer shall serve as the Acting Troop Commander and exercise all the powers, functions, duties and responsibilities of the Troop Commander. The Troop Executive Officer shall perform duties as assigned by the Troop Commander or higher authority.

2.1920. The Troop Logistics Officer shall be responsible to the Troop Commander. In the absence of the Troop Commander and the Executive Officer, the Logistics Officer shall serve as the Acting Troop Commander and shall exercise all the powers, functions, duties and responsibilities of the Troop Commander. The Logistics Officer shall perform duties as assigned by the Troop Commander or higher authority.

2.201. The Troop Inspector shall be responsible to the ~~Chief of Executive Services Director, Professional Standards~~. In the absence of the Troop Commander, Executive Officer and Logistics Officer, the Inspector shall serve as the Acting Troop Commander and as such shall exercise all the powers, functions, duties and responsibilities of the Troop Commander. The Inspector shall perform duties as assigned by the Chief of Executive Services or higher authority.

2.212. The District Commander shall be responsible to the Troop Commander and shall plan, conduct and monitor all field operations occurring within the district. Each District Commander shall be responsible for the correlation of the activities and duties of members and civilian employees assigned to his command with those of staff services. The District Commander shall perform duties as assigned by the Troop Commander or higher authority.

2.223. The Detachment Commander shall be responsible to the District Commander for the planning, conducting and monitoring of all field operations occurring within the detachment's area of operations. Each Detachment Commander shall be responsible for the correlation of the activities and duties of members and civilian employees assigned to his/her command with those of staff services. The Detachment Commander shall perform duties assigned by the District Commander or higher authority.

2.234. The Assistant Detachment Commander shall be responsible to the Detachment Commander and shall assist the Detachment Commander in planning, conducting and monitoring of law enforcement operations

within the detachment's area of responsibility. The Assistant Detachment Commander shall perform all other duties as assigned by the Detachment Commander or higher authority.

2.245. If the Superintendent is unable to discharge the powers and duties of the office, due to illness, disease, injury or any other cause or is absent from the geographical boundaries of West Virginia, the order of succession within the Executive Office shall be as follows:

- (a) Deputy Superintendent;
- (b) ~~Chief of Staff Services~~ Chief of Field Operations;
- (c) ~~Chief of Field Operations~~ Chief of Staff Services;
- (d) Chief Executive Services;
- (e) Deputy Chief of Staff Services;
- (f) ~~Officer-In-Charge, Procurement~~;
- (g) (f) ~~Officer-In-Charge~~ Director, Planning and Research; and
- (g) Director, Professional Standards;
- (h) Officer-in-Charge, Special Operations;
- (i) Director of Executive Protection.
- (j) Whenever the Deputy Superintendent or a member of the Executive Office succeeds to the Office of the Superintendent, they shall exercise all of the powers, functions, duties and responsibilities of the Superintendent.